

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

Joseph Papin

PLAINTIFF

v.

3:17-CV-763 CWR-FKB

**UNIVERSITY OF MISSISSIPPI MEDICAL
CENTER et al.**

DEFENDANTS

Motion to Amend Complaint

1. Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff hereby moves to file the attached First Amended Complaint. (Exhibit 2 and following exhibits)
2. Specifically, pursuant to Rule 15(a)(2), amendment shall be permitted “with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.” This motion should be granted both because consent has been obtained, and because justice so requires.
3. This motion is unopposed, and Defendants’ counsel has provided written consent by email pursuant to Rule 15(a)(2). (Exhibit 1)
4. In addition, here, the Defendants have filed a motion requesting a Reply and asserting that the Complaint is insufficiently specific to permit an analysis of qualified immunity. In addition, the Defendants have moved to dismiss portions of the Complaint pursuant to the Eleventh Amendment.

5. Upon further discussions between counsel, and with the magistrate judge, the parties agreed that it would be most efficient to begin with an amended complaint which would clarify the matters in dispute and identify the proper defendants for each claim.
6. The magistrate judge then entered an order which provided a deadline for filing such a motion to amend. The present motion is brought within the designated time.
7. Furthermore, after the original complaint in this matter was filed, Plaintiff received a “right to sue” letter related to his EEOC charge previously filed against Defendant UMMC, and which concerns the same essential facts at issue in this case.
8. Thus, after filing the original complaint, a new cause of action has ripened which can and should be litigated together with the other matters at issue here.
9. For these reasons, the Plaintiff has established that amendment is in the interests of justice, and there is good cause to accept the attached First Amended Complaint.

Date: December 20, 2017

Respectfully submitted,
/s/Joel Dillard
Counsel for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2017, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Thomas E. Whitfield, Jr
tommy@whitfieldlaw.org,
dawn@whitfieldlaw.org
Counsel for all Defendants

Date: December 20, 2017

Respectfully submitted,
/s/Joel Dillard
JOEL DILLARD